



30 MAY 2006

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In re Application of	:	
Leinweber, et al.	:	
Application No.: 10/559,719	:	DECISION
PCT No.: PCT/EP04/05587	:	
Int. Filing Date: 25 May 2004	:	
Attorney's Docket No.: 2003DE428	:	
For: ALKOXYLATED, CROSS-LINKED	:	
POLYGLYCEROLS AND USE THEREOF AS	:	
BIODEGRADABLE DEMULSIFIER	:	

This application comes before the PCT Legal Office for matters arising under 35 U.S.C. 371.

BACKGROUND

On 25 May 2004, applicants filed international application PCT/EP04/05587, which claimed priority of an earlier German application filed 04 June 2003. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 16 December 2004. Accordingly, the thirty-month period for paying the basic national fee in the United States expired at midnight on 05 December 2005 (04 December 2005 fell on a Sunday, so applicants had until the next business day).

On 05 December 2005, applicant filed a transmittal letter for entry into the national stage in the United States which was accompanied by, inter alia, a translation of the application, a declaration and the requisite basic national fee as required by 35 U.S.C. 371(c). This application was assigned U.S. serial number 10/559,719.

DISCUSSION

A review of the application file reveals that the family name of one of the applicants is listed in the international application as "Grundner" while the family name is listed in the declaration as "Rausch." In that this is clearly more than a mere typographical error or phonetic misspelling of applicant's given name, a proper petition under 37 CFR 1.182 is required in order

to resolve this matter. Such a petition must be accompanied by the requisite petition fee of \$400 as well as statements from the inventor and any other person having firsthand knowledge of the error. These statements must set forth the specific circumstances as to how and when the error was made and discovered, and must also set forth that the mistake was an inadvertent error without deceptive intent.

CONCLUSION

A proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Petition Under 37 CFR 1.182," and must include the requisite petition fee and an acceptable explanation of the facts as discussed above. Failure to file a proper response in a timely manner will result in ABANDONMENT of the application.

Extensions of time may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this matter should be addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



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